



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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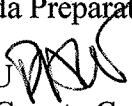
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MARY C. WICKHAM
Interim County Counsel

June 25, 2015

TO: PATRICK OGAWA
Acting Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Maria Esther Cuevas, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 506 867

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:cs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Maria Esther Cuevas, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 506 867 in the amount of \$250,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Public Health's budget.

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an employee of the Department of Public Health.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Maria Cuevas, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC 506867
COURT	Los Angeles Superior Court
DATE FILED	April 24, 2013
COUNTY DEPARTMENT	Public Health
PROPOSED SETTLEMENT AMOUNT	\$ 250,000
ATTORNEY FOR PLAINTIFF	Philip J. Layfield, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	<p>This is a motor vehicle negligence lawsuit involving a Department of Public Health stakebed truck that rear-ended the Plaintiffs' vehicle on November 17, 2012, on Vernon Avenue, at its intersection with Avalon Boulevard, in the City of Los Angeles.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$250,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 123,670
PAID COSTS, TO DATE	\$ 43,051



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	November 17, 2012
Briefly provide a description of the incident/event:	<p>On 11/17/12, employee (D. Nguyen) driving a County truck at approximately 12:15 PM, making a left turn from East Vernon into Avalon Blvd. heard scraping sounds and found out that he pinned another vehicle between the truck and the curb, as the front bumper of the truck and the other vehicle's driver's door collided.</p> <p>County driver did not report any injuries. Claimants, driver and passenger of the vehicle, claimed that County driver rear ended the car. They were treated for their injuries at White Memorial Hospital. The driver has had ongoing medical treatment and surgeries since the accident occurred.</p> <p>According to the Los Angeles Police Department's report, County driver struck claimant's vehicle that was stopped waiting to make a left turn onto South Avalon Blvd. from West Vernon.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

Although the County driver, Mr. Nguyen, was negligent in causing the accident, process/system's weakness was one of the root causes by not providing behind the wheel training to employees required to drive larger vehicles, such as the truck County driver was driving to conduct sweeps of street vendors.

County driver, Mr. Nguyen, was negligent in not noticing the plaintiff's vehicle in front of him at the red light and rear ending the vehicle. He further proceeded to make a left turn and hit the vehicle again and pin it against the curb. The County truck's passenger indicated he heard two sounds; however, he did not bring this to the attention of the County driver.

The nature of this accident indicates County driver and his passenger may not have been paying attention to their surroundings while driving in the course of their duties.

County of Los Angeles
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The following actions are being taken by DPH:

1. Environmental Health had already begun developing a Driver Safety Program pilot project in September 2012. This project was expanded and implemented at the Departmental level on July 1, 2014. All DPH staff were notified by e-mail blast of implementation of DPH Policy 924 - Vehicle Accident Review Committee (VARC), which was approved on September 15, 2014, and required to sign an Acknowledgement of Receipt form. VARC officially began reviewing DPH vehicle accident reports on October 29, 2014.
2. By (June 30, 2015), all Environmental Health staff required to drive trucks and large vehicles to conduct sweeps and impound equipment and other items will complete on-line Motor Vehicle Safety and Defensive Driving Training.
 - Employee successfully completed this training on May 24, 2013.
3. By (June 30, 2015), all Environmental Health staff required to drive trucks and large vehicles to conduct sweeps and impound equipment and other items will complete behind-the-wheel training.
 - Training includes the following topics:
 - Defensive driving.
 - Time-space management.
 - Lateral driving maneuvers.
 - Signs.
 - Signals.
 - Roadway markings.
 - Employee successfully completed training for driving a van on June 19, 2014. He will participate in the above mentioned training.
4. By (June 30, 2015), update existing and develop new Driver Safety Program Policy and Procedures for all the Environmental Health staff who drive trucks and large vehicles to conduct sweeps and impound equipment and other items.
5. By (June 30, 2015), DPH PM will complete re-assessment of appropriate administrative action for County driver and passenger. Administrative action was pending case settlement and/or closure. Administrative action will be taken, as recommended by DPH HR.

3. Are the corrective actions addressing department-wide system issues?

- ☒ Yes – The corrective actions address department-wide system issues.
☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)

Ferdows Rashidian

Signature:

Ferdows Rashidian

Date:

4/28/15

County of Los Angeles
Summary Corrective Action Plan

Name: (Department Head) <i>Cynthia A. Harding</i>	
Signature: <i>Cynthia A. Harding</i>	Date: <i>5/4/15</i>

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input checked="" type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) <i>Destiny Castro</i>	
Signature: <i>Destiny Castro</i>	Date: <i>4/28/2015</i>